

Patent Application
U.S. Application No.: 10/777,634
Attorney Docket No.: 52493.000368

REMARKS

The Office Action has been received and carefully considered. Claims 1-20 are pending. Claim 10 is amended to provide further clarity.

No new matter is added. Support for the amendments to claim 10 may be found in paragraph 0023 of the published patent application (2005/0182666), for example.

Reconsideration of the outstanding rejections in the present application are requested based on the following remarks.¹

A. The Rejection of Claims 1, 3-12, and 14-20 under 35 U.S.C. § 102

In the Office Action, claims 1, 3-12, and 14-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,235,654 to Anderson *et al.* ("Anderson"). This rejection is traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a *prima facie* case of anticipation. As stated in MPEP § 2131, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., assertions regarding dependent claims, whether a reference constitutes prior art, whether references are legally combinable for obviousness purposes) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

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The features of claim 1 are set forth in the listing of claims above. In particular, claim 1 recites:

a rules engine that **converts the documents into at least one data element** having a common format;

the rules engine determines whether each of **the at least one data element** has been fully validated as clean data;

the clean data is stored in an operational database for use in application processing;

(emphasis added)

The Office Action asserts that Anderson teaches such features. That is, on page 2, the Office Action asserts that Anderson teaches:

b. a rules engine that converts the documents into at least one data element having a common format (Anderson, Fig. 4A steps 602-606, col. 21 lines 25 to col. 22 line 13);

c. the rules engine determines whether each of the at least one data element has been fully validated as clean data (Anderson, col. 3 lines 24-33, col. 11 line 59 to col. 12 line 49, col. 32 line 66 to col. 33 line 22);

Applicant further notes the comments in the Office Action on page 11, in the Response to Arguments. Therein, the Office Action asserts:

In response to Applicant arguments, Examiner has included additional citations to further demonstrate that Anderson indeed teaches the method of claim 1 comprising: a rules engine that converts the documents into at least one data element having a common format; the rules engine determines whether each of the at least one data element has been fully **validated as clean data**; the clean data is stored in an operational database for use in application processing. Anderson teaches that the aggregate of all the data segments for all of the fields created for the form are then stored as a master machine generated data structure (MGDS) (col. 4 lines 9-12) (reads on 'a rules engine that converts the documents into at least one data element having a common format'). The MGDS data structure storage document continues to a second and first level mapping table to determine if the **data is clean or requires the artificial intelligence error**

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correction process to correct a data string (as evidenced by Fig. 2C, 3, 58, reads on 'the rules engine determines whether each of the at least one data element has been fully validated as clean data'). The database manager partition which objects are being stored to which field for each of the validated "clean" data. (col. 35 lines 20-60, reads on 'the clean data is stored in an operational database for use in application processing'). Examiner has addressed every limitation Applicant has rebutted and further concludes that Anderson anticipates the claimed invention.

Applicant has carefully reviewed the teachings of Anderson and the assertions as set forth in the Office Action. Applicant submits that Anderson fails to teach the claimed features as recited in claim 1, and in particular, the progression of processing as required by claim 1.

As noted above, the Office Action asserts that:

the rules engine determines whether each of the at least one data element has been fully validated as clean data (Anderson, col. 3 lines 24-33, col. 11 line 59 to col. 12 line 49, col. 32 line 66 to col. 33 line 22);

Applicant has reviewed such teachings of Anderson and understands that the Office Action relies on the processing as described in column 32, line 66 - column 33, line 22, which deals with the processing of characters, i.e., the identification of a suspicious character and the validation indication (column 33, line 20), for example. Such character processing is also shown in the relied upon Fig. 2C, 3, and 5B of Anderson (see Office Action at page 11, line 12).

Further, in column 15, line 67 - column 16, line 12, Anderson describes:

When an employee of the ZED Corporation submits the insurance claim form, it will be scanned in and will have a scanned form image 10Z' as is shown in FIG. 2C(Z). Through the process of forms recognition and field extraction, and through the further processes of **character recognition and error correction**, as previously described, an MGDS 50D will be produced by the error correction processor 30, which can be presented to the manual verify and correction processor 32 for viewing by an operator. In accordance with the invention, the operator will be presented with the actual field name "Given Name" 68b when the operator views the coded data 48, as is shown in FIG. 5B(Z) for the second example.

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After the manual verify and correction processor 32 has completed its operation, it will output the MGDS 50EZ shown in FIG. 5B(Z). The MGDS 50EZ **will then be transmitted to the host computer 34 to invoke the appropriate subroutine of the insurance claim process application program 556.**
(emphasis added)

Thus, such teachings of Anderson sets forth that invocation of the appropriate subroutine of the insurance claim process application program 556 occurs **after** the character recognition and error processing.

Further, in column 10, lines 31-54, Anderson sets forth details of the relied upon processing as shown in Fig. 4A (see above and Office Action on page 2, paragraph 3.b.)

Therein, Anderson describes:

Reference to **FIG. 4A will illustrate the process 86A carried out in the forms definition processor 86.** Step 600 begins the forms definition process 86A. Step 602 defines a new folder for forms which will be in the same form class and which will draw from the same group of specified field types.

Step 604 of FIG. 4A inputs the name of a new folder, for example, "Insurance Claim Process." **Then step 606 inputs the name of the host application program 556,** in the example herein "Insurance Claim Processing." Then step 608 accesses the field association list 82 from the host computer 34.
(emphasis added)

Thus, at the point of processing of Fig. 4, i.e., the "forms definition process", the host application program that is to be used has been determined, i.e., has been invoked. As a result, the disclosure of Anderson reflects that the **character recognition and error correction** occurs before the Fig. 4A forms definition processing.

However, such teachings of Anderson are in sharp contrast to the attempted interpretation in the Office Action, as set forth on page 2 (paragraph 3. b. - c.). That is, the Office Action

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attempts to assert, with reliance on the above noted portions of Anderson, that Anderson somehow teaches the conversion of the documents into at least one data element having a common format, and that then, a rules engine determines whether each of the at least one data element has been fully validated as clean data. For the reasons above, Anderson simply does not support such interpretation.

Applicant submits that even above and beyond the clear sequence deficiency articulated above, the relied upon teachings of Anderson on page 2 (paragraph 3. b.-c.) constitute disparate teachings that are simply not associated in any manner so as to support the assertions in the Office Action. Claim 1 recites:

a rules engine that converts the documents into at least one data element
having a common format;

the rules engine determines whether each of the at least one data element has
been fully validated as clean data;

(emphasis added)

Thus, claim 1 clearly recites specific processings that are performed (**by the rules engine**) on the **at least one data element**. The highly attenuated relationship between the relied upon "character recognition and error correction" of Anderson and the Fig. 4A "forms definition process" of Anderson falls far short of teaching such features under any fair reading of Anderson.

For at least the reasons set forth above, Applicant submits that Anderson fails to support the applied rejection under 35 U.S.C. 102.

Regarding independent claims 10, 12, 18, and 19, since these claims contain similar limitations as argued above with respect to independent claim 1, the same reasons apply to these

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independent claims.

For at least these reasons, independent claims 1, 10, 12, 18, and 19, as well as dependent claims 2-9, 11, 13-17, and 20, are patentable over the applied art. Therefore, the undersigned representative will not address the arguments with respect to 3-9, 11, 14-17, and 20 and reserves the right to address these arguments at a later time. Accordingly, it is respectfully requested that the rejection of claims 1, 3-13, and 14-20 under 35 U.S.C. §102(b) be reconsidered and withdrawn.

B. The Rejection of Claims 2 and 13 under 35 U.S.C. § 103

In the Office Action, claims 2 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson. As admitted in the Office Action, Anderson, *inter alia*, does not disclose the common format being extensible Markup Language. *Office Action*, p. 10. Rather the Office Action takes official notice for this element.

Applicant submits that the modification of Anderson, as proposed in the Office Action, fails to cure the deficiencies of the rejection, as discussed above. That is, Applicant submits that even if it were obvious to modify Anderson as asserted in the Office Action, which is not admitted by Applicant, such would still fail to fairly teach or suggest the claimed invention.

Since claims 2 and 13 are dependent on allowable claims 1 and 12, respectively, these claims are allowable for the same reasons. Accordingly, it is respectfully requested that the rejection of claims 2 and 13 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Withdrawal of the 35 U.S.C. 103 rejection is requested.

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C. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,
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